

REMARKS

The final Office Action mailed May 18, 2010, has been received and carefully considered. Claims 1 and 7 have been amended, and claim 6 has been cancelled. To the best of the undersigned attorney's information and belief, these changes contain no new matter for the reasons given in the remarks which follow.

Claims 1, 4, 5, and 7 are now active in the Application and are submitted to be in allowable condition. Claim 1 is independent.

Claims 8 and 9 have been withdrawn as non-elected in responding to a restriction requirement. When the Examiner finds the elected claims allowable, Applicants request that claims 8 and 9 be rejoined and examined in this Application since the speed reduction gear of claim 8 includes the composition of claim 1 and the electric power steering apparatus of claim 9 includes the speed reduction gear of claim 8.

Claim Changes and Support

Independent claim 1 has been amended to recite the invention with greater particularity and now includes a limitation previously found in claim 7, namely, "*A lubricant composition having a mixing consistency (at 25°C) adjusted to range from 265 to 475, "* and "*fine particles that are dispersed within the lubricating base oil so that the lubricant composition has the mixing consistency (at 25°C) adjusted to range from 265 to 475, and that are composed of any one kind of fine particles selected from the group consisting of:...*". Support is found in claim 7 and is additionally recited in the Specification in paragraph [0052].

Claim 1 has been amended to include the limitation previously recited in claim 6 (now cancelled), namely, "*(a) buffer particles ... in an amount of from 20 to 300 parts by weight, based on 100 parts by weight of a total amount of the lubricating base oil and the calcium sulfonate-based thickener*". Support is found in claim 7 and is additionally recited in the Specification in paragraph [0028].

Claim 1 has been amended to recite, "*(b) particles having intermediate hardness ... in an amount of from 3 to 50 parts by weight, based on 100 parts by weight of a total amount of the lubricating base oil and the calcium sulfonate-based thickener*," Support is found in the Specification in paragraph [0039].

Claim 1 has been amended to recite, "*metal particles ... in an amount of from 3 to 50 parts by weight, based on 100 parts by weight of a total amount of the lubricating base oil and the calcium sulfonate-based thickener*." Support is found in the Specification in paragraph [0045].

Dependent claim 7 has been amended in view of the changes made to independent claim 1.

The continuing rejection of claims 1, 2, and 4-7 under 35 U.S.C. §103(a) as unpatentably obvious over Nakatani et al. (US 2003/0176298) in view of Aoki et al. (US 5,354,487) is respectfully traversed in view of the amendments made to the claims.

A. The Examiner acknowledges that the lubricant composition of Nakatani et al. does not comprise fine particles (see page 3, section 6, lines 3 and 4). The Examiner therefore relies on Aoki et al. for this teaching.

B. Applicants respectfully disagree that the combined disclosures of Nakatani et al. and Aoki et al. render obvious claims 1, 2, 4, 5, and 7 as amended.

C. In particular, independent lubricant composition claim 1 has been amended to recite the invention with greater particularity and now includes limitations, such as mixing consistency and amounts of the fine particles one of (a), (b), and (c), which are neither taught nor suggested in either the disclosure of Nakatani et al. or Aoki et al., taken alone or in combination.

D. In view of the foregoing distinctions, Applicants respectfully submit that the combined disclosures of Nakatani et al. and Aoki et al. do not meet Applicants' independent Claim 1 as amended so that no *prima facie* case of obviousness is made out now against independent Claim

1, or dependent claims 2, 4, 5, and 7, and withdrawn claims 8 and 9, for analogous reasons, so that this ground of rejection should be withdrawn.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 2, 4, 5, and 7 are in condition for allowance. Applicants therefore request that claims 8 and 9 be rejoined and examined in this Application since Applicants consider that claims 1-9 and the Application are in condition for allowance. Reconsideration and passage of this case to issue are therefore requested.

Should the Examiner consider that a conference would help to expedite the prosecution of this Application, the Examiner is invited to contact the undersigned to arrange for such an interview.

Other than the \$810.00 fee accompanying the filing of a Request For Continued Examination, no other fee is believed due. This fee is submitted herewith in the attached credit card form PTO-2038. Should the remittance be accidentally missing or insufficient, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and is requested to advise us accordingly.

Respectfully submitted,



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August 11, 2010
Date

RHB/AJW/vm

Amendment Accompanying An RCE

(10/593,820)